## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION	<ul> <li>) MDL No. 1456</li> <li>) Master File No. 01-12257-PBS</li> <li>) Subcategory Case No. 06-1133</li> </ul>
THIS DOCUMENT RELATES TO:	) Judge Patti B. Saris
State of California, ex rel. Ven-A-Care of the Florida	) Magistrate Judge
Keys, Inc. v. Abbott Laboratories, Inc., et al.	) Marianne B. Bowler
Case No: 1:03-cv-11226-PBS	)
	)

## DECLARATION OF NICHOLAS N. PAUL IN SUPPORT OF PLAINTIFFS' SUR-REPLY IN OPPOSITION TO DEFENDANTS' JOINT MOTION FOR PARTIAL SUMMARY JUDGMENT

- I, Nicholas N. Paul, do hereby declare as follows:
- 1. I am a Supervising Deputy Attorney General with the California Department of Justice, Bureau of Medi-Cal Fraud and Elder Abuse. I am admitted to practice law in the State of California and have been admitted *pro hac vice* in this matter.
- 2. On behalf of Plaintiff State of California, I am submitting with this declaration Exhibits in support of the Plaintiffs' Sur-Reply in Opposition to Defendants' Joint Motion for Partial Summary Judgment.
  - 3. The following exhibits are true and correct copies of the materials described:

Exhibit No.	Description
27	Deposition of Jeffrey J. Leitzinger, Ph.D., taken September 24, 2009, selected pages.

I declare of under penalty of perjury that the foregoing is true and correct.

Executed January 29, 2010, at San Diego, California.

/s/ Nicholas N. Paul NICHOLAS N. PAUL

## **CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on January 29, 2010, a copy of Lexis-Nexis for posting and notification to all parties.

/s/ *Nicholas N. Paul* NICHOLAS N. PAUL